

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

STEPHAN A. RICKS,
Plaintiff

v.

**DMA COMPANIES, DIANA McIVER,
NICHOLE GUPTILL, and ROXANNE
MARROQUIN,**
Defendants

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Case No. 1:22-CV-773-RP-SH

ORDER

Now before the Court are Plaintiff’s *Pro Se* Motion for a Hearing, filed July 29, 2024 (Dkt. 89); Plaintiff’s *Pro Se* Motions for Recusal, both filed August 28, 2024 (Dkts. 94, 95); and Plaintiff’s Unopposed Motion for Extension of Time, filed September 5, 2024 (Dkt. 96).¹

A. Motions to Recuse

On August 21, 2024, this Magistrate Judge appointed two attorneys to represent Plaintiff Stephan Ricks in this action: Rebecca Webber and Lia Sifuentes Davis. Dkt. 92. In that Order, the Court notified Ricks and his counsel that because he is now represented, “all pleadings on his behalf must be filed by his counsel and not by Plaintiff.” *Id.* at 3. Despite this clear directive, Ricks filed two *pro se* motions to recuse the Honorable Robert Pitman and this Magistrate Judge. Because Ricks is represented by appointed counsel “and is not entitled to ‘hybrid representation’ . . . he cannot file a *pro se* motion.” *United States v. Garibay*, 698 F. App’x 176, 177 (5th Cir. 2017) (quoting *United States v. Ogbonna*, 184 F.3d 447, 449 n.1 (5th Cir. 1999)). Accordingly, the Court **ORDERS** the Clerk to **STRIKE** Ricks’ Motions to Recuse (Dkts. 94, 95) from the record.²

¹ On August 2, 2022, the District Court referred all nondispositive and dispositive motions to this Magistrate Judge for disposition and report and recommendation, respectively, pursuant to 28 U.S.C. § 636(b)(1), Federal Rule of Civil Procedure 72, and Rule 1 of Appendix C of the Local Rules of the United States District Court for the Western District of Texas. Dkt. 4.

² The District Court previously denied a motion to recuse this Magistrate Judge. Dkt. 41.

B. Plaintiff's Unopposed Motion for Extension of Time

The Court also ordered Ricks' counsel to review the docket, including all his pending motions, and notify the Court by September 6, 2024, whether he wishes to proceed with the motions or withdraw them. Ricks' counsel now asks for an extension of time to respond. The Court **GRANTS** Plaintiff's Motion for Extension of Time (Dkt. 96) and extends the deadline to notify the Court whether Ricks is proceeding with or withdrawing all his pending motions until **October 9, 2024**.

C. Motion for Hearing

The Court **GRANTS** Ricks' Motion for a Hearing (Dkt. 89). The Court **ORDERS** counsel of record to appear before the Court **at 2 p.m. on Wednesday, October 9, 2024** in Courtroom Six on the Sixth Floor of the United States Courthouse, 501 West Fifth Street, Austin, Texas 78701. At the hearing, the Court will address scheduling matters and the status of any pending motions.

SIGNED on September 11, 2024.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE